

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figures 1-2. This sheet, which includes Figures 1-2, replaces the original sheet including Figures 1-2. In Figures 1-2, extraneous text has been removed.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1-20 are under examination in the application. The amendment to the claims do not introduce new matter and are fully supported by the specification as filed, specifically paragraph [0007], [0020-0021] and [0025-0027] as well as figures 2, 3, and 4. The Office Action mailed on November 1, 2006, includes the following rejections:

1. Claims 1, 2, 6, 11-12 and 14-16 are rejected under 102(b) as being anticipated.
2. Claims 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated.
3. Claims 3-4 are rejected under 35 U.S.C. 103 as being anticipated.
4. Claim 5 is rejected under 35 U.S.C. 103 as being anticipated.
5. Claims 7-8 are rejected under 35 U.S.C. 103 as being anticipated.
6. Claim 10 is rejected under 35 U.S.C. 103 as being anticipated.
7. Claim 13 is rejected under 35 U.S.C. 103 as being anticipated.
8. Claim 20 is rejected under 35 U.S.C. 103 as being anticipated.

Applicant respectfully addresses the basis for each of the Examiner's rejections below.

Objection Specification

The action objects to the specification as lacking antecedent basis for the claimed subject matter and asserts that the term Détente needs to be disclosed in the specification. Applicant contends that the term Détante (détente) is defined in the specification as filed.

The Merriam-Webster dictionary defines the term détente as the relaxation of strained relations or tensions. The specification further elaborates on that definition in paragraph [0030]

as follows:

Inserts 33a and 33b further include an elongated male extension or detante 40 (See FIGURE 3B) which engages a corresponding elongated female depression 41 in takeout jaw body 34 when extension 38 of the given insert 33a or 33b is inserted into aperture 39 of the associated takeout jaw body 34.

The specifications indicate that detante is a form of a male extension that engages a corresponding female depression.

Claims 1, 2, 6, 11-12 and 14-16 are rejected under 35 U.S.C. 102(b)

The Action rejects claims 1, 2, 6, 11-12 and 14-16 under 35 U.S.C. 102(b) as anticipated by United States Patent Number RE34,953 issued to Denney, et al. (hereafter referred to as Denney).

Applicant respectfully submits that Denney fails to meet the standard of 35 U.S.C. 102(b) namely, teaching all elements of the claimed invention either explicitly or impliedly. Thus, Denney does not anticipate any of the claims. See MPEP § 2131. Applicant respectfully submits that Denney does not anticipate Applicant's claims 1, 2, 6, 11-12 and 14-16 because Denney is not enabling and does not teach each and every element (or limitation) of the claimed invention.

The Action states that Denney teaches the use of plastics; however, Denney actually teaches a graphite composition that is machined to the desired shape. Although, Denney does state that it is desirable to use non-metallic materials such as graphite, asbestos, plastics or carbon fibers, Denney is in no way enabled all such non-metallic materials. In fact, Denney teaches the use of plastics has limitations that make it undesirable for use, stating in column 1 lines 45 to 55:

Of the materials which have been used as inserts for takeout jaws, the most satisfactory to date has proven to be graphite. Although other non-metallic materials have been used, most such non-metallic materials are not completely suitable for use in lifting the hot containers from the molds. Asbestos, which was used at one time, has proved to be undesirable for safety and environmental reasons. Plastics suitable for use at the high temperatures encountered in the hot end process area must be specially formulated and yet have a relatively short service life. Graphite has been found to possess properties which are particularly adapted for contacting hot glass containers including high strength, resistance to oxidation, non abrasive surface integrity, heat resistance, low porosity and long service life. (emphasis added)

Denney states that the plastics must be specially formulated to withstand the high temperatures

encountered in the hot end process area, yet does not provide or teach any criteria or composition for such a special formulation. In addition, Denney states that plastics have a relatively short service life, and the most satisfactory to date has proven to be graphite. Denney teaches the undesirability of the use of plastics given its drawbacks and limitations. Denney fails to disclose the use of ceramics as a material entirely.

Furthermore, Denney states that the takeout jaws include a pocket that is has a profile that is equidistant between the top and bottom of the pocket and under spring tension in a manner such that the contact material does not move within the takeout jaws upon contacting a hot glass container, e.g., see claim 1. Given the extreme temperatures of the process and the machining of the takeout jaws and inserts of Denney it is inevitable that that is a gap between the insert and the takeout jaw that allows movement. Therefore, the spring tension and equidistant arrangement of the pocket in Denney does in fact allow some movement and as a result, wear is seen in the holder-insert arrangement of Denney.

The inventions cited in the Denney and the present invention are different; Denney does not teach each and every limitation of the present invention, and even if it did Denney is a non-enabling reference. Therefore, the Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §102(b).

Claims 17-19 are rejected under 35 U.S.C. 102(b)

The Action rejects claims 17-19 under 35 U.S.C. 102(b) as anticipated by Japans Patent Number JP 04160065A issued to Kume, et al. (hereafter referred to as Kume).

Applicant respectfully submits that Kume fails to meet the standard of 35 U.S.C. 102(b) namely, teaching all elements of the claimed invention either explicitly or impliedly. Thus, Kume does not anticipate any of the claims. See MPEP § 2131. Applicant respectfully submits that Kume does not anticipate Applicant's claims 17-19 because Kume does not teach each and every element (or limitation) of the claimed invention.

The inventions cited in the reference and the instant invention are different; therefore the reference does not identically disclose Applicant's claimed invention. Applicant respectfully requests the Examiner withdraw the rejection under 35 U.S.C. §102(b).

Claims 3-4 and 7-8 are rejected under 35 U.S.C. § 103(a)

The Action also rejects claims 3-4 and 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Denney in view of Sackinger (United States Patent Number 6,202,734) hereafter referred to as Sackinger. The combination of cited references fails to establish a prima facie case of obviousness for numerous reasons. Applicants respectfully submit that claims 3-4 and 7-8 are not obvious over the cited art and are, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

First, The MPEP also states that, “to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art.” MPEP 2141.01(a). Applicant submits that Sackinger is not analogous prior art. Sackinger relates to a magnetohydrodynamic drive chamber. Specifically:

an apparatus comprises a device for supplying molten metal, a device for heating molten metal such that it remains fluid while within the apparatus, a device for applying a magnetic field in a direction perpendicular to the device for supplying molten metal, a device for transmitting electric current directly through molten metal to exert a force in a first direction on molten metal, where the device for transmitting can reverse the direction of the current to a second direction, opposite of the first direction, to form a droplet of molten metal, and a receiver for the droplet where the accumulation of a multitude of droplets upon the receiver results in the formation of the desired metal part. (see, Abstract) (emphasis added)

Sackinger relates to a device for supplying molten metal where an electric current is passed between two electrodes on either side of the drive duct through the conductive liquid metal in the chamber. A magnetic field is passed through the drive duct at right angles to the electric current flux vector to generate a Lorentz force on the liquid in the drive duct. Sackinger in no way relates to the present invention.

It would not have been obvious for a person of ordinary skill in the art of inserts and takeout jaws for glass bottle manufacturing to look to the field of magnetohydrodynamic drive chamber technology of Sackinger to solve the problems addressed by the instant invention. Even the USPTO recognizes the differences between these arts and classifies Sackinger in U.S. classification 164/271 and Denney in a completely different U.S. classification 65/260. Therefore, Sackinger is not analogous prior art and cannot be combined with another reference

period.

Second, even if Sackinger were prior art (which it is not) it does not cure the deficiencies of Denney, discussed above and incorporated herein in its entirety. Sackinger merely teaches a magnetohydrodynamic drive chamber as a way of making METAL parts from molten metal. It is unclear how such a method relates to inserts and takeout jaws for glass bottle manufacturing. It is assumed that it is due to the presence of a ceramic insert. The ceramic insert of Sackinger includes the magnetohydrodynamic drive electrodes, a liquid metal jetting orifice and the liquid metal reservoir. The insert of Sackinger was designed so that it could be removed from the magnet and heater block assemblies, facilitating changes of molten metal type and orifice size in the jetting device and is in no way related to machine for lifting hot glass bottles from the molds. The ceramic insert of Sackinger was fabricated from tantalum, 95% alumina, and Macor parts glued together with Aremco 569 Ceramabond adhesive for an entirely different environment and an entirely different purpose and characteristics. Simply stated, the combination of references does not provide the present invention, as there are differences in the final products.

Third, the combination of Denney and Sackinger fail to establish a prima facie case of obviousness, as they fail to (1) suggest or motivate to modify the reference and/or to combine reference teachings as proposed, (2) there is no reasonable expectation of success, and (3) the combined references do not teach or suggest all the claim limitations. MPEP § 2143; *In re Vacek*, 947 F.2d 488 (Fed. Cir. 1991).

The nonmetallic fixture for use in a machine for lifting hot glass bottles from the molds in which they are formed of Denney and the magnetohydrodynamic drive electrodes of Sackinger fail to suggest or motivate to modify the reference and/or to combine reference teachings as proposed. Even if they did there is no reasonable expectation of success given the 95% alumina compound of Sackinger created for use under conditions for molten metal which are extremely different from conditions for lifting hot glass bottles from molds, and the prior art or combined references do not teach or suggest all the claim limitations.

Applicant respectfully submits that claims 3-4 and 7-8, as amended, are not obvious over the cited art and are, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully

requests the withdrawal of the rejection under 35 U.S.C. §103.

Claim 5 is rejected under 35 U.S.C. § 103(a)

The Action also rejects claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Denney in view of Sackinger and further in view of Angel, et al. (United States Patent Number 4,606,960) hereafter referred to as Angel. Applicants respectfully submit that claim 5 is not obvious over the cited art and is, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

First, The MPEP also states that, “to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art.” MPEP 2141.01(a). Applicant submits that Angel is not analogous prior art. Angel relates to a process for making honeycomb sandwich panels in a single furnace cycle which is particularly applicable to making a glass honeycomb sandwich panel as might be utilized in the construction of a glass mirror substrate. Even the USPTO recognizes the differences between these arts and classifies Sackinger in U.S. classification 164/271, Denney in a completely different U.S. classification 65/260 and Angel in still a different U.S. classification 428/116.

It would not have been obvious for a person of ordinary skill in the art of inserts and takeout jaws for glass bottle manufacturing to look to the field of making honeycomb sandwich panels of Angel and another unrelated field of the magnetohydrodynamic drive electrodes of Sackinger to solve the problems addressed by the instant invention. Therefore, neither Sackinger nor Angel are analogous prior art and cannot be combined with any other references period.

Second, even if Angel were prior art (which it is not) it does not cure the deficiencies of Denney and/or Sackinger, each of which are discussed above and incorporated herein in their entirety. Sackinger merely teaches a magnetohydrodynamic drive chamber as a way of making metal parts from molten metal and Angel teaches a glass honeycomb sandwich panel. The combination of Denney, Sackinger and Angel fail to establish a prima facie case of obviousness, as they fail to (1) suggest or motivate to modify the reference and/or to combine reference teachings as proposed, (2) there is no reasonable expectation of success, and (3) the combined

references do not teach or suggest all the claim limitations. MPEP § 2143; *In re Vacek*, 947 F.2d 488 (Fed. Cir. 1991).

Applicant respectfully submits that claim 5, as amended, is not obvious over the cited art and is, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §103.

Claim 10 is rejected under 35 U.S.C. § 103(a)

The Action also rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Denney in view of Recker, et al. (United States Patent Number 6,523,768) hereafter referred to as Recker. Applicants respectfully submit that claim 10 is not obvious over the cited art and is, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below. ...

Again, the MPEP also states that, “to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art.” MPEP 2141.01(a). Applicant submits that Recker is not analogous prior art. Recker relates to a rotary mill having releasable wedge-lock tool insert holding system for comminuting scrap wood and other like materials. Recker relates to wooden materials that in no way could with stand the high temperatures of the present invention. Even the USPTO recognizes the differences between these arts and classifies Recker in U.S. classification 241/294 and Denney in a completely different U.S. classification 65/260. It would not have been obvious for a person of ordinary skill in the art of inserts and takeout jaws for glass bottle manufacturing to look to the field of a rotary mill of Recker to solve the problems addressed by the instant invention. Therefore, Recker is not analogous prior art and cannot be combined with another reference period.

Second, even if Recker were prior art (which it is not) it does not cure the deficiencies of Denney. The combination of Denney and Recker fail to establish a prima facie case of obviousness, as they fail to (1) suggest or motivate to modify the reference and/or to combine reference teachings as proposed, (2) there is no reasonable expectation of success, and (3) the combined references do not teach or suggest all the claim limitations. MPEP § 2143; *In re Vacek*, 947 F.2d 488 (Fed. Cir. 1991).

The combination does not teach each and every limitation of the present invention. The concepts of Recker could not be modified as suggested to create the present invention. Recker has some form of a wedge lock but it would not function as the present invention and could not be modified as such. The wedge of Recker has the widest portion of the wedge at the internal position and given this structure it can only be assembled by placing the first wedge portion into the groove and then placing a second piece into the groove (see e.g., figure 5-6). The wedge portion is adjusted with a screw to secure it in place. In stark contrast, the present invention could not be constructed from multiple pieces of insert that are then adjusted with a screw. The wedge of the present invention is narrow at the end being inserted into the takeout jaw, so that as pressure is applied to the insert the insert contacts the takeout jaw. Therefore, the wedge of Recker and the present invention are different in design, function and materials.

Applicant respectfully submits that claim 10, as amended, is not obvious over the cited art and is, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §103.

Claim 13 is rejected under 35 U.S.C. § 103(a)

The Action also rejects claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Denney in view of Mohler, et al. (United States Patent Number 6,805,832) hereafter referred to as Mohler. Applicants respectfully submit that claim 13 is not obvious over the cited art and is, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

Again, The MPEP also states that, “to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art.” MPEP 2 141.01(a). Applicant submits that Mohler is not analogous prior art. Mohler teaches a nozzle for a thermite cutting torch with an elongated nozzle, dimensioned and configured to direct a maximized flow of cutting flame to the desired cutting location on a workpiece. Even the USPTO recognizes the differences between these arts and classifies Mohler in U.S. classification 266/48 and Denney in a completely different U.S. classification 65/260. It would not have been obvious for a person of ordinary skill in the art of inserts and takeout jaws for glass bottle manufacturing to look to the field of nozzles for a thermite cutting torches of Mohler to solve the problems addressed by the instant invention.

Therefore, Mohler is not analogous prior art and cannot be combined with another reference period.

Second, even if Mohler were prior art (which it is not) it does not cure the deficiencies of Denney. The combination of Denney and Mohler fail to establish a prima facie case of obviousness, as they fail to (1) suggest or motivate to modify the reference and/or to combine reference teachings as proposed, (2) there is no reasonable expectation of success, and (3) the combined references do not teach or suggest all the claim limitations. MPEP § 2143; *In re Vacek*, 947 F.2d 488 (Fed. Cir. 1991).

Applicant respectfully submits that claim 13, as amended, is not obvious over the cited art and is, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §103.

Claim 20 is rejected under 35 U.S.C. § 103(a)

The Action also rejects claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Kume in view of Filges, et al. (United States Patent Number 6,517,597) hereafter referred to as Filges. Applicants respectfully submit that claim 13 is not obvious over the cited art and is, therefore, allowable under 35 U.S.C. § 103(a) for the reasons stated below.

The MPEP also states that, “to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art.” MPEP 2 141.01(a). Applicant submits that Filges is not analogous prior art. It would not have been obvious for a person of ordinary skill in the art of inserts and takeout jaws for glass bottle manufacturing to look to the field of a refractory-lined cyclone separator of a cement clinker production line that can be suspended on the cyclone deck of Filges to solve the problems addressed by the instant invention. Therefore, Filges is not analogous prior art and cannot be combined with another reference period.

Second, even if Filges were prior art (which it is not) it does not cure the deficiencies of Kume. The combination of Filges and Kume fail to establish a prima facie case of obviousness, as they fail to (1) suggest or motivate to modify the reference and/or to combine reference teachings as proposed, (2) there is no reasonable expectation of success, and (3) the combined

references do not teach or suggest all the claim limitations. MPEP § 2143; *In re Vacek*, 947 F.2d 488 (Fed. Cir. 1991).

Applicant respectfully submits that claim 20, as amended, is not obvious over the cited art and is, therefore, allowable under 35 U.S.C. § 103(a). Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. §103.

Conclusion

In light of the remarks and arguments presented above, Applicant respectfully submits that the claims in the Application are in condition for allowance. Favorable consideration and allowance of the pending claims 1-20 are therefore respectfully requested. If the Examiner has any questions or comments, or if further clarification is required, it is requested that the Examiner contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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